	Case 2:11-cv-01482-KJD-PAL Document 13 Filed 05/04/12 Page 1 of 3
1	
2	
3	
4	
5	UNITED STATES DISTRICT COURT
6	UNITED STATES DISTRICT COURT DISTRICT OF NEVADA
7	DISTRICT OF NEVADA
8	BRYAN MCMILLAN,)
9	Petitioner, 2:11-cv-01482-KJD-PAL
10	vs. ORDER
11	
12	NEVADA 8 TH DISTRICT) COURT <i>et al.</i> ,)
13	Respondents.
14	
15	Bryan McMillan, a Nevada prisoner, has submitted a petition for a writ of habeas corpus,
16 17	pursuant to 28 U.S.C. § 2254 (ECF #1).
18	Petitioner has now paid the filing fee (see ECF #8) as well as filed a new caption page,
19	naming proper respondents (see ECF #10 p. 1). The Clerk shall detach page 1 from the document filed
20	at ECF #10 and attach it to the petition at ECF #1 as the new caption page. The resultant document shall
21	be filed as the amended petition. The Clerk shall further detach pages 2-17 of the document at ECF #10
22	and re-file that document as "petitioner's response to order to show cause."
23	The amended habeas petition will thus be filed and docketed, and it will be served upon
24	the respondents.
25	Petitioner filed the same document that appears at ECF #10 again at ECF #12. The
26	document at ECF #12 is stricken as duplicative.

9

6

13 14

15 16

17

18

19

20 21

22 23

24 25

26

A petition for federal habeas corpus should include all claims for relief of which petitioner is aware. If petitioner fails to include such a claim in his petition, he may be forever barred from seeking federal habeas relief upon that claim. See 28 U.S.C. §2254(b) (successive petitions). If petitioner is aware of any claim not included in his petition, he should notify the court of that as soon as possible, perhaps by means of a motion to amend his petition to add the claim.

IT IS THEREFORE ORDERED that the Clerk shall ELECTRONICALLY SERVE the amended petition on the respondents in conformance with this order.

IT IS FURTHER ORDERED that respondents shall have forty-five (45) days from entry of this order within which to answer, or otherwise respond to, the petition. In their answer or other response, respondents shall address any claims presented by petitioner in his petition as well as any claims presented by petitioner in any Statement of Additional Claims. Respondents shall raise all potential affirmative defenses in the initial responsive pleading, including lack of exhaustion and procedural default. Successive motions to dismiss will not be entertained. If an answer is filed, respondents shall comply with the requirements of Rule 5 of the Rules Governing Proceedings in the United States District Courts under 28 U.S.C. §2254. If an answer is filed, petitioner shall have fortyfive (45) days from the date of service of the answer to file a reply.

IT IS FURTHER ORDERED that, henceforth, petitioner shall serve upon the Attorney General of the State of Nevada a copy of every pleading, motion, or other document he submits for consideration by the court. Petitioner shall include with the original paper submitted for filing a certificate stating the date that a true and correct copy of the document was mailed to the Attorney General. The court may disregard any paper that does not include a certificate of service. After respondents appear in this action, petitioner shall make such service upon the particular deputy attorney general assigned to the case.

IT FURTHER IS ORDERED that any state court record exhibits filed by respondents herein shall be filed with a separate index of exhibits identifying the exhibits by number or letter. The

	Case 2:11-cv-01482-KJD-PAL Document 13 Filed 05/04/12 Page 3 of 3
1	CM/ECF attachments that are filed further shall be identified by the number or numbers (or letter or
2	letters) of the exhibits in the attachment. The hard copy of any additional state court record exhibits
3	shall be forwarded – for this case – to the staff attorneys in Reno.
4	IT IS FURTHER ORDERED that the Clerk SHALL STRIKE the document at ECF
5	#12 as duplicative.
6	DATED: May 4, 2012
7	
8	Berat 1
9	UNITED STATES DISTRICT JUDGE
10	
11	
12	
13	
14	
15	
16	
17	
18	
19	
20	
21	
22	
23	
24	
25	
26	